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AMENDMENTS

TO THE

Constitution of North Carolina,

PROPOSED BY THE

CONSTITUTIONAL CONVENTION OF 1875,

AND THE

CONSTITUTION AS IT WILL READ AS PROPOSED TO BE
AMENDED.

PREPARED UNDER ORDINANCES OF THE CONVENTION,

By JOHNSTONE JONES, Secretary of the Convention,

AND

JOHN REILLY, State Auditor,

AND

PRINTED AND DISTRIBUTED UNDER THEIR SUPERVISION.

RALEIGH:

JOSIAH TURNER, PUBLIC PRINTER AND BINDER.

1875.

PREFACE.

The fourth section of an ordinance passed by the Constitutional Convention, of 1875, entitled "An Ordinance to submit to the People the amendments to the Constitution adopted by this Convention," enacts that "it shall be the duty of the Secretary of this Convention and the Public Auditor to have printed, in pamphlet form, on or before the first day of January next, the said amendments, with the certificate of the Secretary of State annexed thereto, together with a copy of the Constitution, as it will read as proposed to be amended, one hundred thousand copies, of which one hundred copies shall be distributed to each delegate of this Convention, and the remainder among the counties of the State in proportion to population."

In obedience to this, we herewith present the Ordinances to amend the Constitution adopted by the Convention, all arranged in chapters and classified according to the Articles to which they relate. We have also affixed to each Ordinance a marginal note to indicate its subject-matter.

In preparing the Constitution so as to make it read as proposed to be amended, we first perfected the original by making all the changes required by the Amendments ratified by the People on the first Thursday in August, 1873. Then we incorporated into this perfected instrument the amendments adopted by the Convention of 1875, eliminating therefrom such sections as this Convention proposes to abrogate and annul.

These changes necessitated the re-numbering of the sections, and the affixing of marginal headings to the new sections to show their substance in brief.

In order to distinguish the amendments of 1875 from the Constitution as it is, we double-lead each of them and enclosed it within brackets [], thus giving prominence to the proposed amendments and separating them from the body of the original document.

The Appendix contains the Ordinances under which we have acted in the preparation and distribution of this pamphlet, and by virtue of which the proposed amendments will be submitted to the people for ratification or rejection at the general election to be held on the Tuesday next after the first Monday in November, A. D. 1876.

JOHNSTONE JONES,
JOHN REILLY.

October 19th, 1875.

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AMENDMENTS
TO THE
CONSTITUTION OF NORTH CAROLINA,
PROPOSED BY THE
(
CONSTITUTIONAL CONVENTION OF 1875.

AMENDMENTS TO ARTICLE ONE—(*Declaration of Rights.*)

CHAPTER I.

AN ORDINANCE TO AMEND SECTION TWENTY-FIVE OF ARTICLE
ONE OF THE CONSTITUTION, RELATING TO SECRET SOCIETIES.

The people of North Carolina in Convention assembled do ordain, That section twenty-five of article one be amended by adding after the word grievances, the following: "But secret political societies are dangerous to the liberties of a free people, and should not be tolerated."

Secret Political
Societies.

Read three times and ratified in open Convention, this 5th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.
W. M. HARDY, Assistant Secretary.

PROPOSED AMENDMENTS TO

CHAPTER II.

AN ORDINANCE TO AMEND SECTION TWENTY-FOUR, ARTICLE ONE,
OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That the following words be added at the end of section twenty-four, article one, of the Constitution :

Concealed
weapons.

Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Read three times and ratified in open Convention, this 11th day of October, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AMENDMENTS TO ARTICLE TWO—(*Legislative
Department.*)

CHAPTER III.

The People of North Carolina in Convention assembled do ordain, That section two, article two, of the Constitution, be amended to read as follows :

The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election ; and when assembled, shall be denominated the General Assembly. Neither House

Time of assembling.

shall proceed upon public business unless a majority of all the members are actually present.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER IV.

The people of North Carolina in Convention assembled do ordain, That section four, of article two, be stricken from the Constitution. To annul section 4, Article 2.

Read three times and ratified in open Convention, this 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER V.

The people of North Carolina in Convention assembled do ordain, That section eight, of article two, be stricken from the Constitution. To annul sec. 8, Article 2.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER VI.

The people of North Carolina in Convention assembled do ordain, That section twenty-seven, of Article two, of the Constitution, be amended so as to read as follows:

Terms of office of
members of the
General As-
sembly.

SECTION —. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Read three times and ratified in open Convention, this 30th of September, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

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CHAPTER VII.

The people of North Carolina in Convention assembled do ordain, That section twenty-nine, of Article two, of the Constitution, be amended so as to read as follows:

Time of election
for members of
the General As-
sembly.

SECTION —. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the election.

Read three times and ratified in open Convention, this 30th day of September, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER VIII.

The people of North Carolina in Convention assembled do ordain, That the following be an additional section to Article two of the Constitution :

SECTION —. The members of the General Assembly for the term for which they have been elected, shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses, shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

Compensation of
members of Gen-
eral Assembly.

Extra session.

Read three times and ratified in open Convention, this 30th day of September, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

PROPOSED AMENDMENTS TO

AMENDMENTS TO ARTICLE THREE—(*Executive Department.*)

CHAPTER IX.

AN ORDINANCE TO AMEND ARTICLE THREE, SECTION TEN, OF THE
CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That article three (3), section ten (10), of the Constitution, be amended so as to read as follows :

Appointment of
officers by the
Governor.

“The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers, whose offices are established by this Constitution, and whose appointments are not otherwise provided for.”

Read three times and ratified in open Convention, this 6th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.
W. M. HARDY, Assistant Secretary.

CHAPTER X.

AN ORDINANCE IN RELATION TO A DEPARTMENT OF AGRICULTURE,
IMMIGRATION AND STATISTICS.

The people of North Carolina in Convention assembled do ordain, That section seventeen, of article three, be stricken from the Constitution, and that the following be inserted in lieu thereof :

SEC. —. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of
Agriculture, Im-
migration and
Statistics.

Read three times and ratified in open Convention, this the 5th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AMENDMENTS TO ARTICLE FOUR—(*Judicial Department.*)

CHAPTER XI.

The people of North Carolina in Convention assembled do ordain, That section four, article four, of the Constitution be amended so as to read as follows:

The Judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Division of Judi-
cial powers.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XII.

The people of North Carolina in Convention assembled do ordain, That section eight, of article four, of the Constitution be amended so as to read as follows :

Justices of the
Supreme Court.

The Supreme Court shall consist of a Chief Justice and two Associate Justices.

Read three times and ratified in open Convention, this 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XIII.

The people of North Carolina in Convention assembled do ordain, That section nine, of article four, of the Constitution of North Carolina be abrogated, and the following substituted therefor :

Terms of the Su-
preme Court.

The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Read three times and ratified in open Convention, this the 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XIV.

AN ORDINANCE TO AMEND ARTICLE FOUR, SECTION TEN, OF
THE CONSTITUTION OF NORTH CAROLINA.

The people of North Carolina in Convention assembled do ordain, That article four, section ten, of the Constitution, be amended to read as follows :

And the jurisdiction of said Court over "issues of fact" and "questions of fact," shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior Courts. Jurisdiction of
the Supreme
Court.

Read three times and ratified in open Convention, this
11th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XV.

The people of North Carolina in Convention assembled do ordain, That section twelve, article four, of the Constitution be amended to read as follows :

The State shall be divided into nine judicial districts, for each of which a judge shall be chosen ; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts. Judicial Dis-
tricts.

PROPOSED AMENDMENTS TO

Read three times and ratified in open Convention, this
30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XVI.

Be it ordained by the people of North Carolina in Convention assembled, That section fourteen, article four, of the Constitution, shall read as follows :

Residence of
Judges of the
Superior Court,
and rotation in
Judicial Districts.

That every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years, but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall become unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of said district.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XVII.

AN ORDINANCE TO ABROGATE AND ANNUL SECTIONS FIFTEEN, SIXTEEN AND SEVENTEEN, OF ARTICLE FOUR, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That sections fifteen, sixteen and seventeen, of article four, of the Constitution be abrogated and annulled, and the following substituted therefor :

SECTION —. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it, as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution, or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Powers of General Assembly and Courts inferior to Supreme Court.

Read three times and ratified in open Convention, this 6th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XVIII.

AN ORDINANCE TO AMEND ARTICLE FOUR OF THE CONSTITUTION, BY STRIKING OUT SECTIONS TWENTY-SIX AND TWENTY-SEVEN, AND INSERTING ANOTHER IN LIEU THEREOF.

The people of North Carolina in Convention assembled do ordain, That sections twenty-six and twenty-seven, article four of the Constitution be stricken out, and insert the following:

Election of Justices of the Supreme Court.

The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years.

Election of Judges of the Superior Courts.

The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Read three times and ratified in open Convention, this 9th day of October, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XIX.

AN ORDINANCE TO AMEND SECTION THIRTY-ONE, ARTICLE FOUR,
OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That section thirty-one, article four of the Constitution of this State, be stricken out and the following inserted in its stead, to wit :

All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified. Vacancies.

Read three times and ratified in open Convention, this the 11th day of October, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.]

CHAPTER XX.

AN ORDINANCE TO AMEND SECTION THIRTY-THREE, ARTICLE
FOUR, OF THE CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That section thirty-three, article four, of the Constitution, be amended to read as follows :

Jurisdiction of the
Justices of the
Peace.

SECTION —. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a Justice, on demand of either party thereto he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

Read three times and ratified in open Convention, this 7th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XXI.

AN ORDINANCE TO AMEND ARTICLE FOUR OF THE CONSTITUTION, BY ADDING AN ADDITIONAL SECTION THERETO.

The people of North Carolina in Convention assembled do ordain, That a new section be added to article four of the Constitution, as follows :

SECTION —. In case the General Assembly shall establish other courts inferior to Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Election of Clerks
of Inferior
Courts.

Read three times and ratified in open Convention, this 11th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XXII.

ORDINANCE TO ADD TWO SECTIONS TO ARTICLE FOUR OF THE
CONSTITUTION OF NORTH CAROLINA.

The people of North Carolina in Convention assembled do ordain, That the following sections be added to article four of the Constitution :

SECTION —. Any Judge of the Supreme Court or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability upon a concurrent resolution of two-thirds of both houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of
Judges for in-
ability.

SEC. —. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Su-

Removal of
Clerks of Court
for inability.

PROPOSED AMENDMENTS TO

preme Court by the Judges of said Courts, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such Courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and then to the Supreme Court, as provided in other cases of appeals.

Read three times and ratified in open Convention, this 5th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

 CHAPTER XXIII.

AN ORDINANCE TO ADD A SECTION TO ARTICLE FOUR OF THE
CONSTITUTION OF NORTH CAROLINA.

Existing terms of
office.

The people of North Carolina in Convention assembled do ordain, That the amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

Read three times and ratified in open Convention, this the 4th of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AMENDMENT TO ARTICLE SIX—(*Suffrage and Eligibility to Office.*)

CHAPTER XXIV.

AN ORDINANCE TO AMEND SECTION ONE, ARTICLE SIX, OF THE
CONSTITUTION.

The people of North Carolina in Convention assembled do ordain, That section one, article six, of the Constitution, be amended to read as follows:

SEC. —. Every male person, born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person who, upon conviction or confession in open Court, shall be adjudged guilty of felony, or of any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a mode prescribed by law.

Qualifications of Electors.

Disfranchisement of felons.

Read three times and ratified in open Convention, this the 9th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

PROPOSED AMENDMENTS TO

AMENDMENT TO ARTICLE SEVEN—(*Municipal Corporations.*)

CHAPTER XXV.

AN ORDINANCE TO AMEND ARTICLE SEVEN OF THE CONSTITUTION BY ADDING ANOTHER SECTION THERETO.

The people of North Carolina in Convention assembled do ordain, That article seven of the Constitution be amended by adding another section thereto, as follows :

SEC. —. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article and substitute others in their place, except sections seven, nine and thirteen.

Read three times and ratified in open Convention, this 9th day of October, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AMENDMENTS TO ARTICLE NINE, (*Education.*)

CHAPTER XXVI.

The people of North Carolina in Convention assembled do ordain, That section two of the ninth article of the Constitution, be amended by adding the following words :

Power of General Assembly over Municipal Corporations.

And the children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination made in favor of, or to the prejudice of, either race.

Separation of the
races in Public
Schools.

Read three times and ratified in open Convention, this 30th September, 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

CHAPTER XXVII.

AN ORDINANCE TO AMEND ARTICLE NINE OF THE CONSTITUTION, PROVIDING FOR THE PRESERVATION AND INVESTMENT OF THE PUBLIC SCHOOL FUND.

The people of North Carolina in Convention assembled do ordain, That section four of article nine of the Constitution be stricken out, and two new sections be inserted in said article in lieu thereof, as follows :

SEC. —. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States ; also, all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education ; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to this State and not otherwise appropriated by the State or by the term of the grant, gift or devise, shall be paid into the State treasury ; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

What property
shall be devoted
to educational
purposes.

County School
Funds.

SEC. —. All moneys, stocks, bonds and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of the State: *Provided*, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Proviso.

Read three times, and ratified in open Convention, this the 4th day of October, A. D. 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AMENDMENT TO ARTICLE ELEVEN—(*Punishments, Penal Institutions, and Public Charities.*)

CHAPTER XXVIII.

AN ORDINANCE TO AMEND ARTICLE ELEVEN, BY ADDING AN
ADDITIONAL SECTION THERETO.

The people of North Carolina in Convention assembled do ordain, That section one, article eleven, of the Constitution of this State, be amended by adding at the end of said section, as follows :

The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson. *Provided*, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board, or some other officer of this State.

Convict Labor.

Proviso.

Read three times and ratified in open Convention, this 9th day of October, 1875.

E. RANSOM,
resident of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AMENDMENTS TO ARTICLE THIRTEEN—(*Amendments.*)

CHAPTER XXIX.

AN ORDINANCE TO AMEND ARTICLE THIRTEEN, OF THE CONSTITUTION.

Be it ordained by the people of North Carolina in Convention assembled, That sections one and two, of article thirteen, be stricken from the Constitution, and the following substituted therefor:

SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of

Convention how
called.

the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

Read three times and ratified in open Convention, this the 4th day of October, A. D. 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary,

W. M. HARDY, Assistant Secretary.

AMENDMENT TO ARTICLE FOURTEEN, (*Miscellaneous.*)

CHAPTER XXX.

AN ORDINANCE TO AMEND ARTICLE FOURTEEN OF THE CONSTITUTION, PROHIBITING INTERMARRIAGE OF THE RACES.

The people of North Carolina in Convention assembled do ordain, That a new section be added to article fourteen of the Constitution, as follows:

SEC. —. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited. Intermarriage of whites and negroes forbidden.

Read three times and ratified in open Convention, this 11th day of October, A. D. 1875.

E. RANSOM,

President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

I, WILLIAM H. HOWERTON, Secretary of State, hereby certify that the foregoing are true copies of the original ordinances of the State Constitutional Convention of 1875, on file in this office.

W. H. HOWERTON,

Secretary of State.



CONSTITUTION
OF THE
STATE OF NORTH CAROLINA,

AS IT WILL READ
AS PROPOSED TO BE AMENDED

BY THE
CONSTITUTIONAL CONVENTION OF 1875.

PREAMBLE.

We, the people of the State of North Carolina, grateful Preamble.
to Almighty God, the Sovereign Ruler of nations, for the
preservation of the American Union, and the existence of
our civil, political and religious liberties, and acknowledging
our dependence upon Him for the continuance of those
blessings to us and our posterity, do, for the more certain
security thereof, and for the better government of this State,
ordain and establish this Constitution :

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty
and free government may be recognized and established,
and that the relations of this State to the Union and gov-

ernment of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare :

The equality and rights of men.

SECTION 1. That we hold it to be self-evident that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

SEC. 2. That all political power is vested in, and derived from, the people ; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness ; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

That there is no right to secede.

SEC. 4. That this State shall ever remain a member of the American Union ; that the people thereof are part of the American nation ; that there is no right on the part of the State to secede, and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services. Exclusive emoluments, &c.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other. The Legislative, Executive and Judicial powers distinct.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised. Of the power of suspending laws.

SEC. 10. All elections ought to be free. Elections free.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty. In criminal prosecutions.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment. Answers to criminal charges.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of jury.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.

No person to be taken, &c., but by law of the land.

SEC. 17. No person ought to be taken, imprisoned or dis-seized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.

Persons re-
strained of lib-
erty.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Controversies at
law respecting
property.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Freedom of the
press.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be re-
strained, but every individual shall be held responsible for the abuse of the same.

Habeas corpus.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.

Property qualifi-
cation.

SEC. 22. As political rights and privileges are not depen-
dent upon, or modified by property, therefore no property qualification ought to affect the right to vote or hold office.

Representation
and taxation.

SEC. 23. The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the
right to bear
arms.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. [Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.]

Right of the peo-
ple to assemble
together.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representa-

tives, and to apply to the Legislature for redress of grievances.
[But secret political societies are dangerous to the liberties
of a free people, and should not be tolerated.]

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience. Religious liberty

SEC. 27. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right. Education.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held. Elections should be frequent.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty. Recurrence to fundamental principles.

SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State. Hereditary emoluments, &c.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed. Perpetuities, &c

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed. *Ex post facto* laws

SEC. 33. Slavery and involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within this State. Slavery prohibited.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are. State boundaries.

SEC. 35. All Courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Courts shall be open.

Soldiers in time of peace.

SEC. 36. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Other rights of the people.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein delegated, remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Two branches.

SECTION 1. The Legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: A Senate and House of Representatives.

Time of assembling.

SEC. 2. The Senate and House of Representatives shall meet biennially on the [first Wednesday after the first Monday in January next after their election;] and when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business unless a majority of all the members are actually present.

Number of Senators.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Regulations in relation to districting the State for Senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts for the Senate are hereinbefore directed to be laid off.

Regulations in relation to apportionment of Representatives.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing twice but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Ratio of representation.

SEC. 7. Each member of the Senate shall be not less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election.

Qualifications of Senators.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.

Qualifications for Representatives.

Election of officers²

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Powers in relation to divorce and alimony.

SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, &c.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such direction, and in such manner as shall be provided by law.

Vacancies.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third reading of the bill shall have been entered on the Journal.

Entails.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly. Journals.

SEC. 17. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal. Protest.

SEC. 18. The House of Representatives shall choose their own Speaker and other officers. Officers of the House.

SEC. 19. The Lieutenant Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided. President of the Senate.

SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor. Other Senatorial officers.

SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.

SEC. 22. Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place. Powers of the General Assembly.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, &c.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath for members.

SEC. 25. [The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.] Terms of office.

Yeas and nays.

SEC. 26. Upon motion made and seconded in either House, by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Election for members of the General Assembly.

SEC. 27. [The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the election.]

Pay of members and officers of the General Assembly.

SEC. 28. [The members of the General Assembly for the term for which they have been elected, shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses, shall be six dollars per day and mileage.]

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the Executive Department.

SECTION 1. The Executive Department shall consist of a Governor, (in whom shall be vested the supreme executive power of the State,) a Lieutenant Governor, a Secretary of

State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January, 1869.

Terms of Office.

SEC. 2. No person shall be eligible as Governor or Lieutenant Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant Governor or President of the Senate.

Qualifications of Governor and Lieutenant Governor.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly, in such manner as shall be prescribed by law.

Returns of elections.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of

Oath of office for Governor.

the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Duties of the
Governor.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, com-
mutations and
pardons.*

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences, (except in cases of impeachment,) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

Annual reports
from officers of
Executive De-
partment and of
Public Institu-
tions.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-
Chief.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions of
General Assem-
bly.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his

proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. [The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers, whose offices are established by this Constitution, and whose appointments are not otherwise provided for.]

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities be removed, or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for a President of the Senate to administer the Government, the Secretary of State shall convene the Senate, that they may elect such President.

In case of impeachment of Governor, or vacancy caused by death or resignation.

Duties of other
Executive off-
icers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

Council of State.

SEC. 14. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction, shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of
Executive off-
icers.

SEC. 15. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State,"

signed by the Governor and countersigned by the Secretary of State.

SEC. 17. [The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.]

Department of
Agriculture, Im-
migration and
Statistics.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of Court before a jury.

Abolishes the
distinction be-
tween actions at
law and suits in
equity.

SEC. 2. [The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.]

Feigned issues
abolished.

Division of Judi-
cial powers.

SEC. 3. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to, hold office in this

Trial Court of
Impeachment.

State; but the party shall be liable to indictment and punishment according to law.

Impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Treason against the State.

SEC. 5. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Supreme Court Justices.

SEC. 6. [The Supreme Court shall consist of a Chief Justice and two Associate Justices.]

Terms of the Supreme Court.

SEC. 7. [The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.]

Jurisdiction of Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference. [And the jurisdiction of said Court over "issues of fact" and "questions of fact," shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior Courts.]

Claims against the State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory: no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

SEC. 10. [The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.] Judicial District for Superior Courts.

SEC. 11. Until altered by law, the following shall be the Judicial Districts: Apportionment of said districts.

First District—Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Bertie.

Second District—Tyrrell, Hyde, Washington, Beaufort, Martin, Pitt, Edgecombe.

Third District—Craven, Carteret, Jones, Greene, Onslow, Lenoir, Wayne, Wilson.

Fourth District—Brunswick, New Hanover, Duplin, Columbus, Bladen, Sampson, Robeson.

Fifth District—Cumberland, Harnett, Moore, Richmond, Anson, Montgomery, Stanley, Union.

Sixth District—Northampton, Warren, Halifax, Wake, Nash, Franklin, Johnston, Granville.

Seventh District—Person, Orange, Chatham, Randolph, Guilford, Alamance, Caswell, Rockingham.

Eighth District—Stokes, Forsythe, Davidson, Rowan, Davie, Yadkin, Surry.

Ninth District—Catawba, Cabarrus, Mecklenburg, Lincoln, Gaston, Cleveland, Rutherford, Polk.

Tenth District—Iredell, Wilkes, Burke, Alexander, Caldwell, McDowell.

Eleventh District—Alleghany, Ashe, Watauga, Mitchell, Yancey, Madison, Buncombe.

Twelfth District—Henderson, Transylvania, Haywood, Macon, Jackson, Clay, Cherokee.

SEC. 12. [Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively.] Residences of Judges. Rotation in Judicial Districts. And Special Terms.

sively, but no Judge shall hold the Courts in the same district oftener than once in four years, but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall become unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of said district.]

Jurisdiction of
Courts Inferior
to Supreme
Court.

SEC. 13. [The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it, as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution, or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.]

In case of waiver
of trial by jury.

SEC. 14. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by jury; in which case the finding of the Judge upon the facts shall have the force and effect of a verdict of a jury.

Special courts in
cities.

SEC. 15. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Clerk of Supreme
Court.

SEC. 16. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

SEC. 17. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Election of Superior Court Clerk.

SEC. 18. Clerks of the Superior Courts shall hold their offices for four years.

Term of office.

SEC. 19. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office.

Fees, salaries and emoluments.

SEC. 20. The laws of North Carolina, not repugnant to this Constitution, or to the Constitution and laws of the United States, shall be in force until lawfully altered.

What laws are and shall be in force

SEC. 21. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at, the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Disposition of actions at law and suits in equity, pending which this Constitution shall go into effect, &c.

SEC. 22. [The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein

Election, terms of office, &c., of Supreme and Superior Court Judges.

provided for, shall be elected by the voters of their respective districts.]

Vacancies.

SEC. 23. [All vacancies occurring in the offices provided for by this article of this Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.]

Terms of office of
first officers under
this Article.

SEC. 24. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of
Justices of the
Peace.

SEC. 25. [The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a Justice, on demand of either party thereto he shall cause a jury of six men to

be summoned who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.]

SEC. 26. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the County shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of Justices.

SEC. 27. In case the office of Clerk of a Superior Court for a County shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in office of Superior Court Clerk.

[SEC. 28. In case the General Assembly shall establish other courts inferior to Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.]

Officers of other Courts inferior to Supreme Court.

[SEC. 29. Any Judge of the Supreme Court or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to pro-

Removal of Judges of the various Courts for inability.

ceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.]

Removal of
clerks of the va-
rious Courts for
inability.

[SEC. 30. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Courts, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such Courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and then to the Supreme Court, as provided in other cases of appeals.]

Amendments not
to vacate exist-
ing offices.

[SEC. 31. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.]

ARTICLE V.

REVENUE AND TAXATION.

Capitation tax.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one

and under fifty years of age, which shall be equal on each, to the tax on property valued at three hundred dollars in cash. The Commissioners of the several Counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and County capitation tax combined shall never exceed two dollars on the head.

Exemptions.

SEC. 2. The proceeds of the State and County capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty five per cent. thereof be appropriated to the latter purpose.

Application of proceeds of State and County capitation tax.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property, from which the income is derived, is taxed.

Taxation shall be by uniform rule and ad valorem.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Restriction upon the increase of the public debt, except in certain contingencies.

SEC. 5. Property belonging to the State or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious pur-

Property exemptions from taxation.

poses ; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Taxes levied by
County Commis-
sioners.

SEC. 6. The taxes levied by the Commissioners of the several Counties for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Acts levying
taxes shall state
object, &c.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

Qualifications of
an elector.

[SECTION 1. Every male person, born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open court, shall be adjudged guilty of felony, or of any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a mode prescribed by law.]

Registration of
electors.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors, and no person shall be allowed to vote without regis-

tration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*. Elections by people and General Assembly.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, —, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God." Oath of office.

SEC. 5. The following classes of persons shall be disqualified for office: First, All persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship. Disqualification for office.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

SECTION 1. In each County, there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and five Commissioners. County officers.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of Duty of County Commissioners.

taxes and finances of the County, as may be prescribed by law. The Register of Deeds, shall be *ex officio*, Clerk of the Board of Commissioners.

Counties to be divided into districts.

SEC. 3. It shall be the duty of the Commissioners first elected in each County, to divide the same into convenient Districts, to determine the boundaries and prescribe the name of the said Districts, and to report the same to the General Assembly before the first day of January, 1869.

Said districts shall have corporate powers as Townships.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said Districts shall have corporate powers for the necessary purposes of local government, and shall be known as Townships.

Officers of Townships.

SEC. 5. In each Township there shall be biennially elected, by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the Township as may be prescribed by law. The General Assembly may provide for the election of a larger number of Justices of the Peace in cities and towns, and in those Townships in which cities and towns are situated. In every Township there shall also be biennially elected a School Committee, consisting of three persons, whose duty shall be prescribed by law.

Trustees shall assess property.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their Townships and make return to the County Commissioners for revision, as may be prescribed by law. The Clerk shall also be, *ex officio*, Treasurer of the Township.

No debt or loan except by a majority of voters.

SEC. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein.

Drawing of money.

SEC. 8. No money shall be drawn from any County or Township Treasury, except by authority of law.

SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem*, upon all property in the same, except property exempted by this Constitution.

Taxes to be *ad-valorem*.

SEC. 10. The county officers first elected under the provisions of this Article, shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

When officers enter on duty.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

Governor to appoint Justices.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Charters to remain in force until legally changed.

SEC. 13. No county, city, town or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Debts in aid of the rebellion not to be paid.

[SECTION 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this Article, and substitute others in their place, except sections seven, nine and thirteen.]

Powers of General Assembly over municipal corporations.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be

Corporations under general laws.

attained under general laws. All general laws and special acts passed, pursuant to this section, may be altered from time to time or repealed.

Debts of corporations, how secured.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

What corporations shall include.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all Courts, in like cases as natural persons.

Legislation to provide for organizing Cities, Towns, &c.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessments, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

ARTICLE IX.

EDUCATION.

Education shall be encouraged.

SECTION 1. Religion, morality and knowledge, being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. [And the children of the white race and the children of the col-

ored race shall be taught in separate public schools; but there shall be no discrimination made in favor of, or to the prejudice of, either race.] Separation of the races.

SEC. 3. Each County of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any County shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment. Counties to be divided into districts.

[SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to this State and not otherwise appropriated by the State or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools. and for no other uses or purposes whatsoever.] What property shall be devoted to educational purposes.

[SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully ap- County School funds.

Proviso.

propriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.]

Election of Trustees, and provisions for maintenance of the University.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof, in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University.

Benefits of the University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Board of Education.

SEC. 8. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney General, shall constitute a Board of Education.

President and Secretary.

SEC. 9. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

Power of Board.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board.

SEC. 11. The first session of the Board of Education shall be held at the capitol of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the Board. First session of Board.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business. Quorum.

SEC. 13. The contingent expenses of the Board shall be provided for by the General Assembly. Expenses

SEC. 14. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a Department of Agriculture, of Mechanics, of Mining, and of Normal Instruction. Agricultural Department.

SEC. 15. The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means. Children must attend school.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution, or other final process of any Court, issued for the collection of any debt. Exemption.

SEC. 2. Every homestead, and the dwelling and buildings used therewith, not exceeding in value one thousand dollars to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned Homestead.

and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process, obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Homestead exempted from debt.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any one of them.

Laborer's lien.

SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Benefit of widow.

SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Property of a married female secured to her.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Husband may insure his life for the benefit of wife and children.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or the guardian, if under age, for her, or their own use, free from all the claims of the representatives of the husband, or any of his creditors.

How deed for homestead may be made.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed

made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be known to the laws of this State, viz: death, imprisonment, with or without hard labor, fines, removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State. [The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson. *Provided*, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board, or some officer of this State.]

SEC. 2. The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's

Prison or Penitentiary at some central and accessible point within the State.

Houses of correction.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Houses of refuge.

SEC. 5. A House or Houses of Refuge may be established whenever the public interest may require it, for the correction and instruction of other classes of offenders.

The sexes to be separated.

SEC. 6. It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Provision for the poor and orphans.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and a Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Orphan houses.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated and taught some business or trade.

Inebriates and idiots.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Deaf mutes and insane.

SEC. 10. The General Assembly shall provide that all the deaf mutes, the blind, and the insane of the State, shall be cared for at the charge of the State.

Self-supporting.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

SECTION 1. All able bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, That all persons who may be adverse to bearing arms, from religious scruples, shall be exempt therefrom. Who are liable to militia duty.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service. Organizing, &c.

SEC. 3. The Governor shall be Commander-in-Chief, and have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion. Governor Commander-in-Chief

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia. Exemptions

ARTICLE XIII.

AMENDMENTS.

[SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a ma- Convention how called.

majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.]

How the Constitution may be altered.

[SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.]

ARTICLE XIV.

MISCELLANEOUS.

Indictments.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

Drawing money.

SEC. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 5. In the absence of any contrary provision, all officers in this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Governor to make appointments.

SEC. 6. The seat of government in this State shall remain at the City of Raleigh.

Seat of government.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State, or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, That nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Holding office.

[SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.]

Intermarriage of whites and negroes prohibited.



APPENDIX.

ORDINANCES TO SUBMIT THE AMENDMENTS TO THE PEOPLE.

A BILL TO BE ENTITLED AN ORDINANCE TO SUBMIT TO THE PEOPLE THE AMENDMENTS TO THE CONSTITUTION ADOPTED BY THIS CONVENTION.

SECTION 1. *Be it ordained by the people of North Carolina in Convention assembled,* That the amendments to the Constitution of this State, adopted by this Convention at any time during its session, shall be submitted to the people for ratification or rejection, as a whole, at the general election to be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-six. That every person entitled to vote under the existing Constitution and laws of this State, shall be entitled to vote for the ratification or rejection of said amendments; those who wish a ratification of the amendments voting with a printed or written ticket, "Ratification," those of a contrary opinion, "Rejection." That said election shall be held, and said qualified electors shall vote, at the usual places of voting in the several counties of this State; and that said election shall be conducted under the same rules and regulations, and under the same pains and penalties as are now required and prescribed by law, and returns thereof made, according to the laws now in force regulating the election of members of the General Assembly. The Election.

SEC. 2. That the returns of the whole vote cast for the ratification and for the rejection of said amendments, shall Returns

APPENDIX.

be made by the sheriffs of the several counties of the State to the Chief Justice of the Supreme Court of the State, at Raleigh, within thirty days after the election: *Provided*, That if the office of Chief Justice shall become vacant by death, resignation or otherwise, the said returns shall in like manner be made to the Attorney General of the State; and the returns of said votes shall, within ten days thereafter, be examined and canvassed by the said Chief Justice, or Attorney General in case of the vacancy in the said office of Chief Justice, in the presence of the Governor, and proclamation shall be made by the Governor forthwith of the result of the canvass.

f Can-
Sec. 3.
ALL INFORMATION

SEC. 3. That if, upon such canvass, it shall appear that a majority of the votes polled were in favor of the ratification of the amendments, then the said amendments to the Constitution shall constitute a part of the Constitution of the State, and shall take effect as such on the first day of January, A. D. one thousand eight hundred and seventy-seven; and thereupon the Governor shall cause to be endorsed on said amendments, as enrolled by this Convention, a certificate under his signature, declaring that the said amendments have been ratified by the people of North Carolina. The Secretary of State shall countersign the said certificate and annex thereto the great seal of the State, and the said amendments, so enrolled, with the certificates aforesaid, shall be forever kept among the archives of the State, in the office of the Secretary of State aforesaid.

Publication.

SEC. 4. That said amendments to the Constitution, after being duly enrolled and properly authenticated, shall be deposited by the Secretary of the Convention in the office of the Secretary of State for safe keeping, and shall be, by order of the Governor and Secretary of State, published for six months in two papers, one of each political party, in each Congressional District of the State, immediately preceding the day of election aforesaid.*

Section was abrogated. See next ordinance.—SECRETARY.

APPENDIX.

SEC. 5. This ordinance shall be in force from and after the day of its ratification.

Read and ratified in open Convention, this 30th day of September, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

AN ORDINANCE TO AMEND THE ORDINANCE SUBMITTING THE AMENDMENTS TO THE CONSTITUTION TO THE PEOPLE.

The people of North Carolina in Convention assembled Amendments] *do ordain*, That the ordinance passed by this Convention and ratified on the thirtieth day of September, Anno Domini one thousand eight hundred and seventy-five, entitled "An ordinance to submit to the people the amendments to the Constitution, adopted by this Convention," be and the same is hereby so amended as to strike out and abrogate section four of said ordinance and insert and ordain in lieu thereof, as follows:

SECTION 4. That said amendments to the Constitution, after being duly enrolled and properly authenticated, shall be deposited by the Secretary of this Convention in the office of the Secretary of State for safe keeping; and it shall be the duty of the Secretary of this Convention and the Public Auditor to have printed, in pamphlet form, on or before the first day of January next, the said amendments, with the certificate of the Secretary of State annexed thereto, together with a copy of the Constitution, as it will read as proposed to be amended, one hundred thousand copies, of which one hundred copies shall be distributed to each delegate of this Convention, and the remainder among the

Publication of
Amendments.

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counties of the State in proportion to population. And the necessary sum be and is hereby appropriated to pay the expense of said publication and distribution.

Read three times and ratified in open Convention, this 9th day of October, 1875.

E. RANSOM,
President of Convention.

JOHNSTONE JONES, Secretary.

W. M. HARDY, Assistant Secretary.

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